

SENATE BILL 273

By Rose

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 6, relative to truancy.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-3006(b), is amended by deleting the word "intervention".

SECTION 2. Tennessee Code Annotated, Section 49-6-3007(e)(4)(B), is amended by deleting the language "the first tier of the progressive truancy intervention requirements as described in § 49-6-3009" and substituting the language "the truancy intervention requirements of the second tier of the progressive truancy plan as described in § 49-6-3009".

SECTION 3. Tennessee Code Annotated, Section 49-6-3007(e)(4), is amended by deleting subdivision (C) and substituting instead the following:

(C) This section does not prohibit a local board of education from adopting a progressive truancy plan that allows the LEA to take intervention actions before those required in this subsection (e). Such actions may include any of the truancy intervention actions required for the second or third tier of the LEA's progressive truancy plan.

SECTION 4. Tennessee Code Annotated, Section 49-6-3009(c), is amended by deleting the language "a progressive truancy intervention plan" and substituting the language "a progressive truancy plan that implements tiers of intervention".

SECTION 5. Tennessee Code Annotated, Section 49-6-3009, is amended by deleting subsection (d) and substituting instead the following:

(d) Progressive truancy plans adopted by local boards of education pursuant to subsection (c) must be applied prior to referral to juvenile court as described in § 49-6-

3007(e)(1). Beginning with the 2021-2022 school year, progressive truancy plans must include a first tier of truancy prevention that is applicable to all enrolled students, and a second and third tier of truancy intervention required for students who have accumulated a minimum of five (5) days of unexcused absences. Beginning with the 2021-2022 school year, progressive truancy plans must meet the following requirements:

- (1) Tier one of the progressive truancy plan must include schoolwide, prevention-oriented supports;

- (2) Tier two must be implemented upon a student's accumulation of five (5) unexcused absences, as specified in the LEA's progressive truancy plan, and must include, at a minimum:

- (A) A conference with the student and the parent, guardian, or other person having control of the student;

- (B) A resulting attendance contract to be signed by the student, the parent, guardian, or other person having control of the student, and an attendance supervisor or designee. The contract must include:

- (i) A specific description of the school's attendance expectations for the student;

- (ii) The period for which the contract is in effect; and

- (iii) Penalties for additional absences and alleged school offenses, including additional disciplinary action and potential referral to juvenile court;

- (C) Regularly scheduled follow-up meetings, which may be with the student and the parent, guardian, or other person having control of the student to discuss the student's progress;

(D) An individualized assessment by a school employee of the reasons a student has been absent from school; and

(E) If necessary, referral of the child to counseling, community-based services, or other in-school or out-of-school services aimed at addressing the student's attendance problems; and

(3) Tier three must be implemented if the truancy interventions under tier two are unsuccessful. Tier three may consist of one (1) or more of the following:

(A) School-based community services;

(B) Participation in a school-based restorative justice program;

(C) Referral to a school-based teen court; or

(D) Saturday or after-school courses designed to improve attendance and behavior.

SECTION 6. Tennessee Code Annotated, Section 49-6-3009, is amended by adding the following as a new subsection:

(m) For purposes of this section, all references to "intervention," "truancy intervention," or "progressive truancy intervention" are deemed references to the truancy interventions of the second and third tiers of a progressive truancy plan.

SECTION 7. Tennessee Code Annotated, Section 49-6-3009(e), is amended by deleting the word "intervention".

SECTION 8. Tennessee Code Annotated, Section 49-6-3009, is amended by deleting subsection (f) and substituting instead the following:

(f)

(1) Notwithstanding subsections (d) and (g), if any tier of progressive truancy intervention is unsuccessful with a student and the school can document that the student's parent or guardian is unwilling to cooperate with the truancy

intervention requirements outlined in the progressive truancy plan, then the director of schools, or the director's designee, may report the student's absences to the appropriate judge pursuant to subsection (g) without first having to implement subsequent intervention tiers, if any.

(2) For purposes of this subsection (f), evidence of a parent's or guardian's unwillingness to cooperate with the truancy intervention requirements outlined in the progressive truancy plan includes, but is not limited to, a parent's or guardian's failure or refusal, on multiple occasions, to attend conferences, return telephone calls, attend follow-up meetings, enter into an attendance contract, or actively participate in any of the tiers of truancy intervention outlined in subsection (d) or in the local board of education's progressive truancy plan.

SECTION 9. Tennessee Code Annotated, Section 49-6-3009(g), is amended by deleting the language "progressive truancy intervention plan" and substituting the language "progressive truancy plan".

SECTION 10. Tennessee Code Annotated, Section 49-6-3009(h), is amended by deleting subdivision (1) and substituting instead the following:

(1) The school applied the progressive truancy interventions of the progressive truancy plan adopted under subsection (d) for the student; and

SECTION 11. This act takes effect July 1, 2021, the public welfare requiring it, and applies to the 2021-2022 school year and each school year thereafter.